

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR269
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
ZUMARI T. WILSON,)	
)	
Defendant.)	

The Defendant, Zumari Wilson, seeks an order suppressing evidence seized and statements obtained as a result of his arrest on May 6, 2007. Judge Thalken determined that police officers had probable cause to detain and arrest Wilson. Judge Thalken concluded that probable cause existed based on the officers' knowledge of the shooting, the observations of the car in which Wilson was riding as a passenger, information from a witness about the same car and its passengers, the discovery of a gun in close proximity to the car, and information from another passenger in the car regarding Wilson's conduct before and after the passenger heard gunshots. Judge Thalken also concluded that Wilson was fully advised of his *Miranda* rights, and that any statements that Wilson made were voluntarily made. Judge Thalken properly found that the taking of gunshot residue swabs is not a search subject to Fourth Amendment protections, and that Wilson gave a DNA sample voluntarily.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has considered the parties' briefs (Filing Nos. 26, 28, 36, and 37) and the transcript (Filing No. 35). The Court has also reviewed the evidence. Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 39) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 25) is denied.

DATED this 28th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge